

REMARKS/ARGUMENTS

STATUS OF CLAIMS

Claims 3, 5, 6, and 13-33 are currently pending in this patent application. By this Amendment, claims 5, 13-15, 17, 19-25, 27, 30, and 31 are amended, leaving claims 3, 6, 16, 18, 26, 28, 29, 32, and 33 unchanged. Claims 1, 2, 4, and 7-12 were canceled in an earlier Amendment. The Applicants respectfully request reconsideration and allowance of pending Claims 3, 5, 6, and 13-33.

CLAIM REJECTIONS – 35 U.S.C. § 102

Independent Claim

On pages 2 and 3 of the Office Action, claims 6, 13, and 22-24 are rejected under 35 U.S.C. §102(b), as being anticipated by Christensen (U.S. Patent No. 6,029,345). Claim 13 is hereby amended, and calls for:

A frame for mounting at least one heat exchanger in a vehicle,
comprising:
 a longitudinal side and a transverse side, at least one of said sides
 being adjustable in length in the direction of the side;
 fasteners on said sides adapted to fasten to said at least one heat
 exchanger between said sides;
 supports a support on said transverse side adapted to secure to a
 vehicle to support said frame therein;
 a first angle frame member having a pair of arms oriented in an L;
 a second angle frame member having a pair of arms oriented in an
L;
 wherein one an arm of said first angle frame member is slidable
 within and along an arm of said second angle frame member to a plurality
 of different positions along and one the arm of said second angle frame
 member are to adjustably securable to one another secure the arms
 together along their lengths to define said adjustable side.
(Amendment marks not shown)

In contrast, Christensen discloses a method for mounting a cooling assembly that includes a frame 70 having two generally U-shaped portions 88A and 88B with generally U-shaped cross sections spliced together with a pair of bolted generally U-shaped connecting

members 96 - neither of which is or can be slidable within and along the other. Thus, Christensen fails to teach, describe or suggest, among other things, “A frame for mounting at least one heat exchanger in a vehicle, comprising: a longitudinal side and a transverse side, at least one of said sides being adjustable in length in the direction of the side... a first angle frame member...a second angle frame member...wherein an arm of said first angle frame member is slidable within and along an arm of said second angle frame member to a plurality of different positions along the arm of said second angle frame member to adjustably secure the arms together along their lengths ...” as claimed in amended claim 13. Indeed, to enable an arm of one of the U-shaped portions 88A, 88B to be slidable within and along an arm of the other U-shaped portion 88B, 88A would require re-shaping of either or both U-shaped elements (and possibly also the U-shaped connecting members 96) – all without any indication or suggestion regarding why such change(s) would be necessary or desirable. In short, Christensen fails to provide any motivation regarding why the U-shaped portions 88A, 88B should be modified so that an arm of one is slidable within and along an arm of another as claimed in amended claim 13.

The Applicants respectfully submit that amended claim 13 falls within the scope of the elected claims, as it incorporates previously elected independent claim 1 with claim 13. Therefore, the Applicants also respectfully submit that amended claim 13 should be considered generic. In light of the above and for other reasons not discussed herein, withdrawal of the 35 U.S.C. §102(b) rejection of claim 13 is respectfully requested.

Dependent Claims

Claims 6 and 22-24 are each ultimately dependent upon amended claim 13. Therefore claims 6 and 22-24 are allowable based upon amended claim 13 and upon other features and elements of claims 6 and 22-24 not discussed herein. Withdrawal of the 35 U.S.C. §102(b) rejection of claims 6 and 22-24 is therefore respectfully requested.

CLAIM REJECTIONS – 35 U.S.C. § 103

Dependent Claims

On page 3 of the Office Action, claim 18 is rejected under 35 U.S.C. §103(a) as being unpatentable over Christensen in view of Olson (U.S. Patent No. 5,360,059). On pages 3 and 4 of the Office Action, claim 30 is rejected under 35 U.S.C. §103(a) as being unpatentable over Christensen in view of Koyama (U.S. Patent Application Publication No. 2003/0085027). Claims 18 and 30 are each dependent upon amended claim 13.

Olson fails to cure the deficiencies of Christensen discussed in the section above, and is cited only for the purpose of disclosing an angle crosspiece between the L-oriented pair of arms. Thus, claim 18 is allowable based upon amended claim 13 and upon other features and elements of claim 18 not discussed herein.

Koyama also fails to cure the deficiencies of Christensen, and is cited only for the purpose of disclosing a heat exchanging system that has two heat exchangers mounted in a frame. Thus, claim 30 is allowable based upon amended claim 13 and upon other features and elements of claim 30 not discussed herein.

Withdrawal of the 35 U.S.C. §103(a) rejections of claims 18 and 30 is therefore respectfully requested.

CLAIM OBJECTIONS

On page 4 of the Office Action, claims 14-17, 19-21, and 25 are objected to as being dependent upon a rejected base claim. Claims 14-17, 19-21, and 25 are each ultimately dependent on amended claim 13. Thus claims 14-17, 19-21, and 25 are allowable based upon amended claim 13 and upon other features and elements of claims 14-17, 19-21, and 25 not discussed herein.

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In view of the foregoing, it is respectfully submitted that the claims of the present application are in condition for allowance. The Applicants request that the Examiner telephone the attorneys of record in the event a telephone discussion would be helpful in advancing the prosecution of the present application.

Respectfully submitted,



Christopher B. Austin
Reg. No. 41,592

Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4108
(414) 271-6560